

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA  
3 WESTERN DIVISION

4 Taylor Thomson,

5 Plaintiff,

6 v.

7 Persistence Technologies (BVI) Pte Ltd.,  
8 Tushar Aggarwal and Ashley Richardson,

9 Defendants.

CASE NO. 2:23-cv-04669-MEMF-MAR

**DECLARATION OF BRADLEY  
DIZIK IN SUPPORT OF  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Judge: Hon. Maame Ewusi-Mensah  
Frimpong  
Complaint Filed: June 13, 2023

10  
11 I, Bradley Dizik, pursuant to 28 U.S.C. § 1746, declare as follows:

12 **A. BACKGROUND**

13 1. I am an investigation and compliance professional with over a decade of  
14 experience leading and supervising investigations, many that include tracing and  
15 recovering assets on the blockchain. A copy of my resume is attached as **Exhibit A**.

16 2. I am the Executive Vice President of Emerging Issues + Technology and  
17 a Practice Group Leader at Guidepost Solutions LLC ("Guidepost Solutions,"  
18 "Guidepost," "we"), a national leader in blockchain and cryptocurrency investigations,  
19 intelligence, compliance, and cyber and physical security. In that role, I work with law  
20 enforcement officials, law firms, investors, blockchain and cryptocurrency companies  
21 and their executives and officers around the world to lead and supervise blockchain  
22 forensic investigations. I conduct investigations and advise clients on emerging issues  
23 and technology involving intellectual property, social media, cryptocurrency, NFTs,  
24 blockchain forensic tracing, artificial intelligence, data governance and protection,  
25 data forensics, privacy, and cybersecurity. I am frequently asked to conduct sensitive,  
26 complex, and cross-border investigations, advise on the development and evaluation of  
27

1 ethics, compliance, cybersecurity, and privacy programs, and forensically trace and  
2 recover cryptocurrency.

3 3. I am a lawyer admitted to practice in New York and the District of  
4 Columbia. I graduated *cum laude* with a Juris Doctor degree from Michigan State  
5 University College of Law.

6 4. I received a Master of Laws, Dean's List, in Securities and Financial  
7 Regulation from Georgetown University Law Center.

8 5. I received a Bachelor of Arts in Political Theory and Constitutional  
9 Democracy with a Specialization in Political Economy from James Madison College  
10 at Michigan State University.

## 11 B. INVESTIGATION

12 6. In June 2022, Guidepost Solutions was retained by McDermott, Will &  
13 Emery LLP on behalf of Plaintiff Taylor Thomson ("Ms. Thomson") to investigate,  
14 trace, and recover significant quantities of missing cryptocurrency.

15 7. One particular investment Guidepost Solutions analyzed was Ms.  
16 Thomson's sizable investment in a cryptocurrency called XPRT, which was issued by  
17 Persistence Technologies (BVI) Pte Ltd. ("Persistence") and its project team, including  
18 Tushar Aggarwal ("Aggarwal"), the CEO and founder of Persistence. Ms. Thomson  
19 executed one agreement with Persistence called a Token Sale Agreement (the  
20 "Agreement") in which she purchased 4,000,000 XPRT. Ms. Thomson also  
21 subsequently purchased 3,999,995 XPRT directly from Persistence, outside of the  
22 Agreement. Ms. Thomson purchased all 7,999,995 XPRT directly from Aggarwal and  
23 Persistence. There was an additional 97,931 XPRT purchased from secondary  
24 decentralized marketplaces or liquidity pools by swapping Ms. Thomson's assets for  
25  
26  
27  
28

1 XPRT from October 23, 2021 through November 4, 2021.<sup>1</sup> In total, Ms. Thomson  
2 invested \$45,287,612 buying XPRT.

3 8. We used many different sources to investigate these claims. These  
4 sources include, but are not limited to:

- 5 a. Information recovered from Ashley Richardson (“Richardson”),  
6 including a spreadsheet labeled “XPRT Transaction - Persistence  
7 OTC Deal - Wallets Transfer Allocation”;
- 8 b. Publicly available blockchain explorers, such as Mintscan.io;
- 9 c. Proprietary blockchain explorers, such as Chainalysis;
- 10 d. A self-hosted XPRT node;
- 11 e. The Persistence tokenomics whitepaper;<sup>2</sup>
- 12 f. Publicly available pricing, volume, and market cap data, available  
13 on websites such as <https://coinmarketcap.com/>;
- 14 g. Osmosis Proposals related to incentive adjustments and reward  
15 percentages at various points in time;
- 16 h. Osmosis Documentation;<sup>3</sup>
- 17 i. Persistence Documentation;<sup>4</sup>
- 18 j. The Persistence Validators website;<sup>5</sup>
- 19 k. Proton mail email accounts;
- 20 l. Publicly available XPRT source code review; and

21  
22  
23 <sup>1</sup> These additional XPRT were purchased on the ledger referred to as “M12” in address #  
osmo19rum09y6rz25stuzu9pu3vkq0j26nzxkzawpc.

24 <sup>2</sup> Persistence Team, *XPRT Tokenomics: Powering the Persistence Ecosystem*, PERSISTENCE (Mar.  
25 25, 2021), [https://blog.persistence.one/2021/03/25/xprt-tokenomics-and-utility-powering-the-](https://blog.persistence.one/2021/03/25/xprt-tokenomics-and-utility-powering-the-persistence-ecosystem/)  
persistence-ecosystem/.

26 <sup>3</sup> Osmosis, <https://docs.osmosis.zone/overview>. “Documentation” is an industry term for the  
instruction manual for a software program. Documentation is usually written to explain a software  
27 program to individuals that deploy, develop, and use the program.

<sup>4</sup> *Persistence Docs*, <https://docs.persistence.one/>.

<sup>5</sup> Persistence Validators, MINTSCAN, <https://www.mintscan.io/persistence/validators>.

m. Blockchain transactions including a forensic review of approximately a dozen physical hardware wallets and nearly a half-dozen cryptocurrency exchange accounts.

9. Richardson pitched Ms. Thomson to invest in certain cryptocurrency projects and to directly purchase cryptocurrency. Richardson executed certain transactions for Richardson and at one time had physical possession of hardware devices used to store cryptocurrency, called “Ledgers.”<sup>6</sup> Richardson set up those Ledgers which held Thomson’s cryptocurrency and had in her possession all related account information, seed phrases, pins, passwords, and proton email accounts until July of 2022 when Richardson turned over this information to Guidepost Solutions.

10. Guidepost Solutions identified many digital addresses holding a cryptocurrency called XPRT. Guidepost learned that the digital addresses holding XPRT were accessible from the Ledgers that were under Richardson’s control. 7,999,995 XPRT was deposited into ten digital addresses accessible from ten separate Ledgers, as shown in the table below.

Address	Ledger Name	XPRT
persistence1k3nszkadlnm7225p2rtn9awkeq5f6sem6k60k9	A07	480,000
persistence1u8ycj4r8shhyat98j7pfphk6j2q3ucstugqpp4	E18	799,999
persistence19e9ndx8dpzpfswwmzajdneta6gs0hgqptzdpal	F72	1,002,519
persistence1gx4v8yx904xm56lcsa8xj80cnv8xygq20a3c6a	L02	620,000
persistence1e2vlhguqsmdzl0st700mjrcsdkcun6a5e5rz65	L10	477,000
persistence1eehmj7cksk0347v4twx2a6yhvc9uar5q8l07r5	M07	777,000
persistence1q57q0704syut9dt2thk54szd6c4krt37g20jyt	M12	737,999
persistence1ldryf2rr4hj0er77xxtkc0e2mcud3q5zm3twas	P12	719,999
persistence1mflryjl4fzwen5gpkvpzavmuu3haaga4wvdyzv	R78	1,497,479
persistence12k0nwpvyv7lkfhfuk24cln2gt7sffjdluh73lv0	T02	888,000
<b>TOTAL</b>		<b>7,999,995</b>

<sup>6</sup> Ledger is the brand name that produces these cryptocurrency storage devices. Richardson used two different models, the Ledger Nano X, and Ledger Nano S.

1 11. Richardson subsequently placed some XPRT to an eleventh physical  
2 ledger, referred to as T59 (digital address  
3 persistence1f0cu2w9zjy65n9wpqrd6jxh2eatt8r5uae9kwh).

4 12. In or around August 2021, when Ms. Thomson made an initial purchase  
5 of XPRT, Ms. Thomson was told by Richardson to transfer Ms. Thomson's assets to  
6 eight separate digital addresses. This practice continued in October 2021 when  
7 Richardson directed the investments of XPRT to two additional digital addresses.  
8 Additional purchases in October 2021 were directed to three of the original digital  
9 addresses that held the least amount of XPRT.

10 13. In mid-July 2022, Aggarwal provided Ms. Thomson with a file titled  
11 "XPRT Transaction - Persistence OTC Deal - Wallets Transfer Allocation." This file  
12 contained an overview which showed digital addresses labeled "investor" containing  
13 XPRT. This spreadsheet also contained four payments designated as "commissions"  
14 Aggarwal and Persistence made to Richardson in between August and October of  
15 2021.

16 14. Following a series of calls and emails, in late July 2022, Richardson and  
17 her counsel confirmed that an additional Persistence Address, beginning with  
18 #1nxvw (the "#1nxvw Address") belonged to her, not Ms. Thomson, and that the  
19 XPRT was deposited in the #1nxvw Address by Aggarwal and Persistence for her  
20 efforts to direct Ms. Thomson's investment capital to Persistence and XPRT.

21 15. In total, Persistence paid Richardson a previously undisclosed payment  
22 of 97,166 XPRT.<sup>7</sup> Persistence paid Richardson over four different transactions  
23

24 <sup>7</sup> See Mintscan Transaction Details:

25 1. August 25, 2021 Transaction:

- 26 • [https://www.mintscan.io/persistence/txs/CF632D7033A5E7982957769B943C45474](https://www.mintscan.io/persistence/txs/CF632D7033A5E7982957769B943C45474F3B99B1E4732F317120BC37AA92C292)  
27 F3B99B1E4732F317120BC37AA92C292;

28 2. September 6, 2021 Transaction:

1 between August and October 2021.<sup>8</sup> All four of those transaction hashes showed  
2 XPRT cryptocurrency being transferred to the #1nxvw Address. The undisclosed  
3 payment was worth approximately \$783,702 based on the price of XPRT at the time  
4 of the transactions.<sup>9</sup>

5 16. In late July 2022, Guidepost Solutions took control of Ms. Thomson's  
6 physical ledger wallets, account information including seed phrases, pins, passwords,  
7 and proton email accounts used to setup exchange accounts, and cryptocurrency from  
8 Richardson in Los Angeles County, California. Neither the undisclosed payment nor  
9 the #1nxvw Address were at any time turned over to Ms. Thomson by Richardson.

10 17. Along with transaction records, we have also reviewed statements made  
11 by Persistence, Tushar Aggarwal, and Richardson.

12 18. Guidepost reviewed a series of public and private statements set forth  
13 below concerning Persistence "staking rewards."

14 19. Staking is a method by which holders of a particular cryptocurrency can  
15 "stake" their cryptocurrency into a smart contract and earn a yield. For some staking  
16 protocols, participants must be actively involved in technically operating a "validator  
17 node," which generally has the ability to vote to approve or reject particular blocks of  
18 transactions on a blockchain. Staking is one highly popular way that holders of  
19 particular cryptocurrencies earn a yield.

- 
- 20  
21  
22 • [https://www.mintscan.io/persistence/txs/21A6BB7F9C585B3864178F1C598D5C7  
CCD78853D7B55161689EF542AE9FD1F1B](https://www.mintscan.io/persistence/txs/21A6BB7F9C585B3864178F1C598D5C7CCD78853D7B55161689EF542AE9FD1F1B);

23 3. October 4, 2021 Transaction:

- 24 • [https://www.mintscan.io/persistence/txs/95E3C37378CAA357339196E2F9A96B2A  
58ECD8BC81CDBC6406BB90CA9A15556A](https://www.mintscan.io/persistence/txs/95E3C37378CAA357339196E2F9A96B2A58ECD8BC81CDBC6406BB90CA9A15556A);

25 4. October 18, 2021 Transaction:

- 26 • [https://www.mintscan.io/persistence/txs/3A551ACC6AFBB9DD7CFDCFDCC4836  
86C83392637C584E9DB77D945AFB102530A](https://www.mintscan.io/persistence/txs/3A551ACC6AFBB9DD7CFDCFDCC483686C83392637C584E9DB77D945AFB102530A).

27 <sup>8</sup> *Id.*

<sup>9</sup> *Id.*

20. Persistence promised staking rewards that far exceed market rates. For this reason, we analyzed Persistence's promised staking rewards and compared those to the staking rewards actually paid to Ms. Thomson. We uncovered that she received far less than the promised yield.

21. This is not just important because Ms. Thomson did not receive the promised staking rewards. Staking rewards are a key value proposition for certain cryptocurrencies, including XPRT. Misleading statements concerning the promised staking rewards could artificially inflate the price of a particular cryptocurrency as investors will be drawn to buy a particular cryptocurrency with the expectation that they will receive the promised staking rewards. This was the case with Ms. Thomson and her purchases of XPRT. It appears that misleading promises concerning XPRT staking rewards led Ms. Thomson to purchase XPRT.

22. We selected a sample of staking transactions and found that Ms. Thomson's returns were generally lower than 33%. For example, 444,000 XPRT were delegated on September 8, 2021. On December 11, 2021, Ms. Thomson claimed and received rewards of 33,481 XPRT. We then annualized those returns, as shown below:

Delegation Date	9/8/2021	A
Delegated Amount in XPRT	444,000	B
Last 2021 Rewards Date	12/11/2021	C
Total Rewards in XPRT	33,481	D
Days Staked	93.00	E = C - A
Annualized Staking Rewards	<u>131,404</u>	F = (D/E) * 365
Calculated APR	<u>29.6%</u>	G = F/B

23. In total, Ms. Thomson received staking rewards of 2,058,870 XPRT between September 2021 through August 2022.



1           24. Persistence, Aggarwal, and Richardson made several statements that  
2 promise staking returns many multiples higher than what Ms. Thomson experienced.  
3 Those staking rewards do not appear supported by data. Some of those statements are  
4 as follows:

- 5           a. On April 26, 2021, Persistence tweeted: “The current APR for  
6 staking XPRT stands at a whopping 42%+. This is among the  
7 highest reward rates in the industry, and the rewards will be no  
8 lower than 35% APR for the first two years.”<sup>10</sup> This figure is  
9 contradicted by the sample of 29.6% APR that we calculated based  
10 on Ms. Thomson’s returns.
- 11           b. On August 28, 2021, Richardson texted Ms. Thomson that there  
12 was an “...upside of 269% annually for early adapters” for staking  
13 with XPRT. After reviewing Ms. Thomson’s investment returns  
14 and publicly available data, we are unable to identify any basis for  
15 calculating a 269% return. Ms. Thomson’s staking returns were  
16 significantly less than 269%.
- 17           c. On August 28, 2021, Richardson told Ms. Thomson she could earn  
18 “200-600 % APY” with XPRT staking. After reviewing Ms.  
19 Thomson’s investment returns and publicly available data, we are  
20 unable to identify any basis for calculating a 200-600% APY. Ms.  
21 Thomson’s staking returns were significantly less than 200-600%  
22 APY.
- 23           d. On October 7, 2021, Richardson said “Also want to walk you  
24 through a meeting I just had with persistence [sic.] about liquid  
25 staking – could be a huge upside for Atom, 15% a month APY  
26

27 <sup>10</sup> Persistence (@PersistenceOne), TWITTER (Apr. 26, 2021, 9:46 AM),  
28 <https://twitter.com/PersistenceOne/status/1386678153704267779>.



1 which is about 180% a year.” After reviewing Ms. Thomson’s  
2 investment returns and publicly available blockchain data, we are  
3 unable to identify any basis for calculating these returns. Ms.  
4 Thomson’s staking returns were significantly less than 180% a  
5 year.

6 e. On November 10, 2021, Richardson confirmed, via text message  
7 to Ms. Thomson, that she was re-staking Ms. Thomson’s assets  
8 daily. Our review of Ms. Thomson’s assets and returns during this  
9 time period concluded that the XPRT were not being ‘restaked’ or  
10 redelegated daily. Accordingly, based on our review of Ms.  
11 Thomson’s historical XPRT transactions, this statement was  
12 misleading at the time it was made.

13 f. On November 10, 2021, Richardson told Ms. Thomson “currently  
14 you are earning 2.7-3M a month solely in coming from your  
15 persistence interest/staking, and it is estimated this will likely go  
16 up considerably in the coming months earning between 30-150M a  
17 year in interest alone (a commission of 15-75M a year).” We  
18 calculated significantly lower monthly earnings from September  
19 2021 through June 2022.<sup>11</sup> We are unable to identify a basis for the  
20 claim of an increase in rewards.

21 g. On November 10, 2021, Richardson told Ms. Thomson that  
22 “[Persistence] grandfathered you in as a key investor and are  
23 essentially giving you 65 Million in three weeks.” After reviewing  
24 Ms. Thomson’s investment returns, we are unable to verify this  
25

26 \_\_\_\_\_  
27 <sup>11</sup> Each value identified by Richardson does not state whether it is in USD or CAD. All values  
28 calculated by Guidepost Solutions are in USD.

1 statement. Under no calculation did Persistence “give” Ms.  
2 Thomson \$65 million.

3 h. On November 10, 2021, Richardson told Ms. Thomson that “the  
4 upside [of Persistence] is massive”; “You are generating about 3M  
5 in interest per month,” “If it doubles next month that is 6M a  
6 month!”; “I don’t think you realize how much money is being made  
7 – it’s bananas”; “I just want you to have a sense of what this is,  
8 because I think long term this is huge.” We were unable to identify  
9 any indication that \$3M or \$6M in interest a month was being  
10 earned by Ms. Thomson.

11 i. On December 3, 2021 and December 8, 2021, Richardson said that  
12 there was a “fixed return” of at least 35% in addition to an APY  
13 that began at 6000% and “reduces weekly, until it lands somewhere  
14 around 100-200%” for platforms including Persistence. We have  
15 reviewed APY figures for the relevant staking pairs and we have  
16 found no support for a claim of 6,000% APY.

17 j. On December 13, 2021, Richardson told Ms. Thomson that she was  
18 “making 5.4 M a week on average, which seems insane and is  
19 going down over time... but I just verified it.” Ms. Thomson was  
20 not earning anywhere near \$5.4M per week on average. In reality,  
21 Ms. Thomson’s claimed staking rewards were valued at closer to  
22 approximately \$6.8 million total over 12 months. This is without  
23 taking into account the significant drop in value of XPRT and the  
24 inability to sell all of Ms. Thomson’s XPRT due to a lack of interest  
25 in the market.

26 k. On January 6, 2022, Richardson told Ms. Thomson, “you are up on  
27 persistence and with the interest and the extra 10M you are getting  
28

1 for early liquidity, it makes up for it.” Ms. Thomson did not receive  
2 an “extra 10M.”

3 l. On January 12, 2022, Richardson told Ms. Thomson: “your  
4 Atom/Eth XPRT/Eth pairs have a fixed rate, but will be issued a  
5 large amount of yield for your early participation at the months end.  
6 The amount is still unknown as it is due to your percentage of  
7 participation throughout, however the estimates I have laid out  
8 previously still stand (somewhere between 500k-15M EST) and  
9 will be issued the last week of this month.” After reviewing Ms.  
10 Thomson’s returns on investment, we did not identify any payment  
11 that was forthcoming at this time.

12 m. On January 14, 2022, Richardson told Ms. Thomson, “to clarify,  
13 you are still up! Don’t forget the yield you are generating is greater  
14 than the price difference. Also, you are going to get an addition 5-  
15 10M on rewards (on top of your staking APY) at the beginning of  
16 Feb just for having been an early liquidity provider.” After  
17 reviewing Ms. Thomson’s returns on investment, we did not  
18 identify any payment that was forthcoming in February 2022.

19 n. On April 8, 2022, @pstakefinance, a social media account operated  
20 by Persistence tweeted, in part: “Additional external rewards are  
21 live for PSTAKE/OSMO pool on @osmosiszone. Current APR:  
22 336% Pool: <https://app.osmosis.zone/pool/648>.”<sup>12</sup> We identified a  
23 number of files reflecting historical APRs for this liquidity pool.  
24 These files were attached to proposals on the Osmosis blockchain.

25  
26  
27 <sup>12</sup> @pStakeFinance, TWITTER (April 8, 2022, 1:48 PM),  
[https://x.com/pstakefinance/status/1512487541311963137?s=46&t=OjdUXeKuQl4U-](https://x.com/pstakefinance/status/1512487541311963137?s=46&t=OjdUXeKuQl4UsBKKQDK5A)  
28 [sBKKQDK5A](https://x.com/pstakefinance/status/1512487541311963137?s=46&t=OjdUXeKuQl4UsBKKQDK5A).

1 Identifiable data from five days prior to this tweet shows that the  
2 APR was 62%. The same data shows that two days following this  
3 tweet, the APR was 74%. These APR percentages are many  
4 multiples lower than the promised 336% on April 8, 2022. We have  
5 not identified any basis for a 336% APR on April 8, 2022.

- 6 o. On April 9, 2022, @pstakefinance, a social media account operated  
7 by Persistence tweeted, in part: “The PSTAKE/OSMO pool on  
8 @osmosiszone is providing ~320% APR, currently the highest  
9 incentives out of all pools on Osmosis. Provide liquidity and bond  
10 your tokens for 14 days to receive LP rewards. Total Rewards:  
11 150,000 \$PSTAKE Provide liquidity:  
12 <https://app.osmosis.zone/pool/648>.”<sup>13</sup> We identified a number of  
13 files reflecting historical APRs for this liquidity pool. These files  
14 were attached to proposals on the Osmosis blockchain. Identifiable  
15 data from six days prior to this tweet shows APR was 62%. The  
16 same data shows that two days following this tweet, the APR was  
17 74%. As such, it is unlikely that the APR was approximately 320%  
18 on April 9, 2022. We are unable to identify any basis for promising  
19 a 320% APR on April 9, 2022.

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26  
27 <sup>13</sup> @pStakeFinance, TWITTER (April 9, 2022, 12:34 AM),  
28 <https://x.com/pstakefinance/status/1512650070037983232?s=46&t=OjdUXeKuQl4U-sBKKQDK5A>.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
2 September 22, 2023.

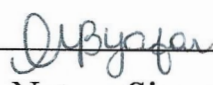
3  
4 Dated: September 22, 2023  
5 Sparta, New Jersey

  
BRADLEY DIZIK  
SPARTA, NEW JERSEY

6  
7 State of NEW JERSEY, County of SUSSEX

8 Subscribed and sworn to (or affirmed) before me on this 22<sup>nd</sup> day of

9 SEPTEMBER, 2023 by BRADLEY L. DIZIK proved to  
10 me on the basis of satisfactory evidence to be the person who appeared before me.

11  
12   
13 Notary Signature

MARIANA B YAFAR  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
ID # 50099579  
MY COMMISSION EXPIRES FEB. 26, 2024

McDERMOTT WILL & EMERY LLP  
ATTORNEYS AT LAW  
NEW YORK

# **EXHIBIT A**



## BRADLEY DIZIK

### Executive Vice President, Emerging Issues + Technology Practice Group Leader

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#### CONTACT

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bdizik@guidepostsolutions.com

#### EDUCATION

- Juris Doctor, *cum laude*, Michigan State University College of Law
- Master of Laws, Dean's List, Securities and Financial Regulation, Georgetown University Law Center
- Bachelor of Arts, Political Theory + Constitutional Democracy, James Madison College at Michigan State University
- Specialization, Political Economy, James Madison College at Michigan State University

#### BAR ADMISSIONS

- New York
- District of Columbia

#### PROFESSIONAL AFFILIATIONS

- Detroit Jewish Federation: Local Agency Planning Committee
- Jewish Federation of North America: National Young Leadership Cabinet

Bradley Dizik is sought after as one of the nation's top crisis advisers, compliance experts, and investigators for cross-border, sensitive, and emerging issues. His reputation is credited to his creative strategies, unparalleled experience, and understanding of emerging technology in solving clients' most difficult challenges.

The *Detroit News* referred to Mr. Dizik as a "crusading knight [who] slayed [a client's] debt and vanquished a lawsuit." The *Detroit Free Press* wrote that Mr. Dizik's work led to a "remarkable turnaround" for a client that faced a complex crisis. His work "to reorganize the immense [Detroit] Masonic Temple" a "mythical concert hall" with "1,807 rooms" was profiled on the frontpage by French newspaper *Le Monde*.

Mr. Dizik is executive vice president and leads Guidepost's Emerging Issues + Technology practice group. Mr. Dizik who is a member of the Washington, D.C. and New York Bars is regularly called on to advise board directors and executive officers as strategic counsel for critical business and reputational decisions and in response to their most public and private crises. Clients frequently ask him to conduct sensitive, complex, and cross-border investigations, advise on the development and evaluation of ethics, compliance, cybersecurity, and privacy programs, and forensically trace and recover assets. He has also served as a court-appointed receiver and had key roles on U.S. Department of Justice monitorships.

Mr. Dizik's practice focuses on solving clients' most difficult challenges, whether as part of a criminal or regulatory inquiry, preventive effort to avoid one through compliance or cybersecurity program, in anticipation or pursuit of litigation, or as diligence or business intelligence. The following are highlights of his experience.

#### Monitorships + Receivership

Mr. Dizik has held leadership roles on the following U.S. Department of Justice Monitorships.

- General Motors arising out of its deferred prosecution agreement of charges related to making and selling cars with defective ignition switches where he led the team responsible for overseeing GM's preventive safety efforts.
- Point72 Capital Management (formerly, SAC Capital) to evaluate and report on its insider trading compliance practices and procedures for the U.S. Attorney's Office for the Southern District of New York.
- New York City Housing Authority (NYCHA) pursuant to an agreement reached among HUD, SDNY, NYCHA, and the City of New York to monitor the implementation



BRADLEY DIZIK (CONTINUED)

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of efforts to achieve decent, safe, and sanitary living conditions for NYCHA's residents where he led the team responsible for overseeing NYCHA's efforts to address sanitation and pest control.

- Court-appointed receiver in Battaglia v. Battaglia; Docket No. 190-82, District Court, Laramie County where he recovered approximately \$40 million in assets, built a property management function from scratch to manage a dozen real property assets with dozens of tenants including a restaurant, body shops, NYC apartments, multi- and single-family homes and numerous exotic vehicles including 1972 Lamborghini Miura SV and 1991 Ferrari F40 which he liquidated for \$2 million and approximately \$1.2 million to fund the receivership estate's operations. Additionally, his investigative work led to the district court judge holding one of the parties in contempt, and ultimately issuing a criminal arrest warrant for that party's violations of the contempt order which led to a settlement among the parties.

#### Crises + Government Investigations

- Currently overseeing the independent investigation and physical security review of the Oxford (Michigan) Community Schools' school shooting where four children were murdered, seven others shot, and numerous traumatized.
- Advised the Board of Regents for the University of Michigan on best (and next) practice strategies to implement recommended remediation in the aftermath of sexual misconduct findings against a former Provost.
- Played a key role in the investigation of the Southern Baptist Convention Executive Committee's response to sexual abuse where he led the development of remediation recommendations.
- Led internal investigation for company led by former professional athlete accused of fraud by an online sales platform, and former contractors and customers.
- Led the forensic investigation and economic damages analysis for a public company under investigation for alleged Stark Act and Anti-Kickback Statute violations by the U.S. Department of Justice.
- Led investigation for the Masonic Temple Association of Detroit of a former management company for fraud and misappropriation of funds that led to the client achieving summary judgment in favor of its claims and summary judgment and dismissal of all counterclaims against it including the eventual appointment of a Chapter 7 trustee that took control of the former management company's business and assets and helped return some of the misappropriated funds back to the Detroit Masonic Temple. In parallel, served as special adviser to the Detroit Masonic Temple's Board of Trustees where he led the renegotiation of the Detroit Masonic Temple's financial debt and oversaw its restructuring efforts leading to a complete financial and business recovery for the one-hundred-year-old structure in the background of the city of Detroit's historic bankruptcy.

BRADLEY DIZIK (CONTINUED)

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- Advised one of the U.S. military's largest suppliers of jet fuel to troops in Afghanistan in a U.S. Congressional investigation of alleged corruption in Central Asia and follow-on investigations by foreign authorities.
- Advised one of the world's largest financial institutions in a False Claims Act investigation in which the company was alleged to have misled the federal government about aspects of the business operations of a former life insurance subsidiary.
- Conducted investigation for an ultra-high net worth individual to determine open-source discovery exposure prior to client bringing defamation action.

**Cryptocurrency + Digital Assets + Social Media**

- Led and supervised the investigation, forensic tracing and accounting, mass identification of anonymous crypto wallets and social media accounts (98% success rate with over 60 anonymous adverse persons identified), and digital data capture and preservation for a prominent crypto company involved in litigation resulting in summary judgment in favor of the client's claims and summary judgement and dismissal of all adverse counterclaims brought by defendants.
- Led the investigation for the actor Seth Green of his stolen NFTs which led to the recovery of BAYC #8398 in Australia; working alongside the Los Angeles County Sheriff's Department recovered stolen BAYC #5778 for Cameron Moulene in Southeast Asia.
- Led and supervised the investigation, forensic tracing and accounting, social media monitoring, and anonymous crypto wallet identification of a group of individuals who serially schemed to defraud through the use of alternative crypto tokens, meme coins, and rug pulls, profiting millions of dollars through their illicit activities and use of intimidation tactics and threats.
- Led the investigation of three anonymous crypto wallet addresses that conducted transactional activity in a crypto token after a federal court issued a permanent injunction against transferring the token that led to the identification of all three anonymous persons behind each crypto wallet address.
- Led and supervised the investigation and forensic tracing for a prominent crypto company for the unknown crypto wallets and holdings of four adverse parties in a lawsuit, identifying all relevant wallets and crypto holdings of all parties.
- Led the investigation for a leading digital asset marketing company that suffered account takedowns after it was alleged to have violated two prominent social media company's terms of service including allegations of electronically compromising one platform's concierge service using bots. Our investigation proved that the allegations against the client were false and allowed counsel to enter confidential settlement negotiations to reactivate the client's suspended digital assets and reinstitute their social media presence.

BRADLEY DIZIK (CONTINUED)

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- Led the investigation of a cult like figure that is religiously followed by thousands of foreign dissidents in the US, Europe, and Asia whose cabal used a cryptocurrency token and cryptocurrency exchange to perpetuate a billion-dollar fraud and fund wide ranging conspiracies, disinformation, and disparagement campaigns on numerous social media platforms against perceived enemies. To support our investigation, we created a proprietary AI tool that was able to scrape, capture, and preserve over 6 data terabytes of videos, photos, and posts from social media platforms to serve as evidence against the cult like figure and their cabal and identify numerous formerly anonymous participants in the disinformation and disparagement campaign against our client. Our investigation supported ongoing litigation and led to a court holding the cult like figure in contempt for not complying with a court order shortly before the individual was arrested and charged by the U.S. Department of Justice for financial fraud related to their cryptocurrency activity.
- Advising celebrity on efforts to find and retake possession of digital assets that are inaccessible on their ledger wallet because of a derivation path error.
- Lead state-AML money transfer license due diligence for cryptocurrency company executive officers, board directors, and investors.
- Lead and supervise crypto forensic tracing efforts of stolen digital assets.

**Regulatory Issues + Frameworks**

- Led the development of ethics and compliance, information security, and privacy program for digital healthcare provider as part of readiness effort for HITRUST, SOC2, HIPAA/HITECH external audit. Effort included serving as client's internal auditor, HIPAA security rule risk assessment, development of business continuity and incident response plans, and a full suite of policies and procedures. Our team delivered certification in all relevant HITRUST domains and zero exception SOC2 and HIPAA/HITECH reports.
- Led the development of compliance and ethics program for de novo bank including BSA/AML controls, and a full suite of policies and procedures that help lead to the de novo bank to receiving state and federal regulatory approvals.
- Led the investigation of a publicly traded automotive supplier for Foreign Corrupt Practices Act, money laundering, and Iranian sanction violations in the United States, People's Republic of China, Brazil, United Kingdom, and Singapore.
- Oversaw development of Foreign Corrupt Practices Act, import/export, sanctions, and AML compliance program for a U.S. government contractor that supplied medical equipment to U.S. and foreign militaries and intelligence agencies.
- Led review and implementation of best execution procedures, Market Access Rule 15c3-5 and other compliance monitoring for adherence to best industry practices for one of the world's largest (AUM) investment management companies.

BRADLEY DIZIK (CONTINUED)

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- Advised one of the world's largest mineral resource companies on compliance with U.S. regulatory requirements including the Foreign Corrupt Practices Act, Federal Acquisition Regulation (FAR) when doing business with the U.S. Department of Defense Logistics Agency (DLA) and negotiations with foreign governments including related import and export control requirements.
- Lead HIPAA security rule risk assessments for digital healthcare companies.
- Lead Anti-Kickback Statute and Stark Act compliance fair market valuations.

**Prior Legal Work**

Prior to joining Guidepost, Mr. Dizik was an associate attorney in Weil, Gotshal & Manges LLP's white-collar investigations and financial institutions regulatory practices and co-manager of its Dodd-Frank Act financial regulatory reform working group where he represented clients before the U.S. Department of Justice, U.S. Securities & Exchange Commission, Commodities Futures Trading Commission, SIGTARP, and other government agencies. Prior to that, he served as a research consultant to the Committee on Capital Markets Regulation, a 501(c)(3) research organization dedicated to improving the regulation of US capital markets.

Mr. Dizik had brief stints in the SEC's Offices of International Affairs and Ethics Counsel, where he focused on the international enforcement of the federal securities laws, provided technical assistance to foreign regulators, and advised on the development of the Commission's insider trading compliance program.

**Community Engagement**

Mr. Dizik is a member of the Detroit Jewish Federation's Local Agency Planning Committee overseeing the Federation's nearly two dozen agencies and is a member of the Jewish Federation of North America's National Young Leadership Cabinet.

Mr. Dizik provides pro bono asset tracing for victims of cybercrime involving the theft of NFTs, cryptocurrency, and other forms of digital and crypto assets.

**Education**

Mr. Dizik is a recipient of Michigan State University's Distinguished Young Alumni Award from where he holds a J.D., cum laude and a B.A. in Political Theory and Constitutional Democracy with a specialization in Political Economy from its James Madison College. Additionally, he holds an LL.M. from Georgetown University Law Center which recognized him for "extraordinary academic performance" in International White-Collar Crime. He received the Federal Bar Association's Edward H. Rakow Scholarship Award for academic excellence in corporate and securities law.

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